

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Debtor.

Case No. 13-53846-SWR
Chapter 9
Hon. Steven W. Rhodes

**EX PARTE MOTION FOR EXPEDITED HEARING ON
MOTION TO EXTEND TIME TO FILE CLASS CLAIMANTS'
PROOF OF CLAIM**

Now come Lasalle Town Houses Cooperative Association, Nicolet Town Houses Cooperative Association, Lafayette Town Houses, Inc., Joliet Town Houses Cooperative Association, and St. James Cooperative, on behalf of themselves and the Class¹ (collectively, "Class Claimants"), and state:

1. Class Claimants filed the underlying motion to extend the time for them to file a class proof of claim until after United States District Judge Gershwin Drain enters a final nonappealable Order regarding class certification for which this Court granted relief from stay.
2. The Court set February 21, 2014 as the general deadline for creditors to file proofs of claim.
3. On December 18, 2013, this Court granted the Class Claimants relief from stay to, inter alia, "continue the prosecution of the class action" as indicated in paragraph 2 of this Court's Order:

2. Relief from that automatic stay applicable under 11 U.S.C. § 922(a) and 11 U.S.C. § 362(a) is granted to allow the Cooperatives to continue prosecution of the class action for the limited purpose of pursuing class certification, establishing liability, and seeking to enjoin the DWSD from charging improper rates.

¹ Class Claimants are parties to a class action lawsuit filed in the United States District Court for the Eastern District of Michigan, Town Houses Cooperative Association et al v. City of Detroit, Case No. 4:12-cv-13747 (the "Class Action") before Judge Gershwin Drain. Class Claimants seek class certification in the Class Action on behalf of the following (the "Class"):

"All entities or individuals owning, or acting for owners of, buildings, apartment buildings, townhouses, housing cooperatives and condominiums with multiple units and utilized for residential purposes whom and which have been charged at a commercial rate by the City of Detroit and/or the Detroit Water and Sewerage Department for water and sewerage and component services with the time period at least six years prior to the filing of this action through the date of final judgment or such longer amount of time as may be allowed by law."

4. Class Claimants have been diligently pursuing class certification, however, as of the date of this motion, a final ruling has not been made. Judge Drain has set a hearing on March 4, 2014 on the Class Claimant's motion to certify the Class:

01/29/2014	39	NOTICE OF HEARING on 38 Renewed MOTION to Certify Class . Motion Hearing set for 3/4/2014 02:00 PM before District Judge Gershwin A. Drain (Bankston, T) (Entered: 01/29/2014)
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5. Cause exists for this Court to set an expedited hearing on this matter so that the Court can determine whether to grant the relief requested prior to the February 21, 2014 current bar date.

WHEREFORE, this Court should schedule an expedited hearing on the underlying motion to be heard ideally no later than February 20, 2014, and should grant Class Claimants such further relief as this Court deems just.

Respectfully submitted,

_____/s/ Robert Bassel _____

ROBERT N. BASSEL (P48420)

Attorneys for Class Claimants

P.O. Box T

Clinton, MI 49236

(248) 677-1234

bbassel@gmail.com

DATED: 2/18/2014

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**ORDER SETTING EXPEDITED HEARING ON
MOTION TO EXTEND TIME TO FILE CLASS CLAIMANTS'
PROOF OF CLAIM**

THIS MATTER having come before the Court on the above-captioned motion, there being no unresolved objections, and sufficient cause existing for the relief requested,

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. The hearing on the underlying Motion to Extend Time to File Class Claimants' Proof of Claim shall be hear on _____ at __.m. in Courtroom 100, U.S. Courthouse, 231 W. Lafayette, Detroit, MI 48226, and objections to the relief requested may be filed no later than two hours prior to the hearing.